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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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July 20, 1993

William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington, D.C. 20554

Re: Ex Parte Presentation -- In the Matter of Rules and
Regulations Implementing the Telephone Consumer
Protection Act -- CC Docket No. 92-90

Dear Mr. Caton:

Pursuant to 47 C.F.R. § 1.1206(a)(2), this will serve as notification that Kimberly Ellwanger, an attorney with Microsoft Corporation and the undersigned met today with Suzanne Hutchings, an attorney in the Common Carrier Bureau concerning the applicability of the Commission's fax branding rules to fax boards in computers. This matter is presently before the Commission on a Petition for Reconsideration.

Specifically, the matters discussed are set out in the attachment to this letter.

An original and two copies of this letter and the attachment are being filed for inclusion in the record.

Sincerely,


Stanley M. Gorinson

SMG/om
Attachment

cc: Suzanne Hutchings, Esq.

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MICROSOFT CORPORATION PRESENTATION

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

- I. MICROSOFT BELIEVES THE FAX RULES CREATE SIGNIFICANT COMPLIANCE PROBLEMS
 - A. The rules could lead to significant problems. All a machine can do is record information. The machine and the software cannot make the person truthfully insert his name in the machine.
 - B. However, if the FCC demands that a machine provide information, it can be done subject to the caveats that the manufacturer cannot be held accountable for the truthfulness of any such information or liable if the user somehow defeats the safeguards used to comply with the rules. It is impossible for the manufacturer to make the machine comply under any circumstances.
- II. IMPLEMENTATION OF ANY FAX BOARD RULE, SHOULD THE COMMISSION ADOPT SUCH A RULE, WILL REQUIRE A LONG PERIOD
 - A. The Commission has applied the fax rules to machine models for which Form 730s are filed after December 20, 1992.
 - B. If Fax Board Rule is adopted, the FCC should allow for extended implementation period.
 - 1. Software product for PCs has shelf life of approximately eighteen months. It would be extremely costly to require modification to existing software to meet new requirements imposed by fax rules.
 - 2. Any new rules applicable to fax boards should become effective at least eighteen months after adoption of final rules.

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